

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re:

CITY OF DETROIT, MICHIGAN

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

**RETIRED DETROIT POLICE MEMBERS ASSOCIATION'S
ANSWER TO DEBTOR'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Retired Detroit Police Members Association ("RDPMA"), by and through their attorneys,
and for their Answer to Debtor's Request for Production of Documents, states as follows:

General Objections

1. The RDPMA objects to these discovery requests to the extent:

A. They seek the discovery of mental impressions, trial strategy or other information obtained by attorneys, professionals, agents or investigators which are otherwise protected from disclosure by virtue of the attorney-client privilege, accountant-client privilege, or other similar statutory or common law privileges and the attorney work product doctrine;

B. They seek the discovery of information beyond the scope of the Federal Rules of Civil Procedure as incorporated into the Federal Rules of Bankruptcy Procedure or the Federal Rules of Evidence;

C. They seek information which is irrelevant and not otherwise reasonably calculated to lead to the discovery of admissible evidence in this case;

D. They are overly-broad, vague and unduly burdensome; which documents and information can otherwise be more easily obtained through other less costly and invasive discovery means including depositions;

E. They impose burdens upon the RDPMA not otherwise required or permitted under the Federal Rules of Civil Procedure as incorporated into the Federal Rules of Bankruptcy Procedure; and

F. They seek documents and information which are otherwise premature, *e.g.*, expert witness information.

2. Subject to these General Objections, the RDPMA, through its counsel, will produce responsive documents, writings and tangible things which it believes to be responsive to the applicable discovery requests.

DOCUMENT REQUESTS

1. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the Plan, including but not limited to:
 - a. Current and/or projected cash flows for the City of Detroit;
 - b. Current and/or projected budgets for the City of Detroit;
 - c. The City of Detroit's inability/ability to pay its debts when they become due;
 - d. The City of Detroit's inability/ability to provide civic services;
 - e. Current and/or projected tax collection rates (wagering, property, and/or income) for the City of Detroit in the short term (*i.e.*, five years), medium term (*i.e.*, twenty years), and long term (*i.e.*, forty years);
 - f. The Detroit Water and Sewer Department ("DWSD");
 - g. The Detroit Institute of Arts ("DIA");
 - h. The Public Lighting Authority of Detroit ("PLA"); and
 - i. Reinvestment and restructuring initiatives outlined in the Plan (*i.e.*, police services; fire services; blight removal; information technology infrastructure; and/or the City's Department of Transportation).

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

2. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding any alternative to the Plan. This request includes, but is not limited to, documents that address:

- a. The effects on you and other creditors;
 - b. The cost of operating the City of Detroit;
 - c. What constitutes an adequate level of City services;
 - d. Levels of recovery for unsecured creditors (with or without a "Grand Bargain"¹);
 - d. Comparable cities and, if applicable, the basis for concluding those cities are comparable;
 - e. Asset sales by the City of Detroit;
 - f. Tax collection rates (wagering, property, and/or income) in the short term (*i.e.*, five years), medium term (*i.e.*, twenty years), and long term (*i.e.*, forty years);
- and

¹ The Grand Bargain refers generally to the proposed agreement for private foundations and the State of Michigan to contribute approximately \$800 million to the City of Detroit in order to reduce the impact that the City's bankruptcy has on pensions and the Detroit Institute of Arts.

g. Reinvestment and restructuring initiatives (*i.e.*, police services; fire services; blight removal; information technology infrastructure; and/or the City's Department of Transportation).

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

3. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf that address any plans or intentions by you to challenge other creditors' claims and/or their recoveries if the Plan is confirmed. A full response will include any underlying assumptions.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

4. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding how the Plan, if confirmed, would impact your claims.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

5. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding your or other creditors' current financial condition.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

6. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding your or other creditors' projected financial condition(s) under different recovery levels.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

7. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding your or other creditors' projected financial condition in the event the Plan is not approved or is dismissed.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

8. All documents relating to any claims by you against the City of Detroit, whether any such claims have been purchased or sold, the price at which any such claims were purchased or sold, and the date(s) on which any such claims were purchased or sold.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that it has no responsive documents to this request.

9. All documents relating to any communications between you (or on your behalf) and any government regulators (foreign or domestic) related to the City of Detroit bankruptcy, the Plan, or your City of Detroit debt holdings.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

10. All documents relating to any communications between you (or on your behalf) and any government entities (listed below) or officials, directors, officers, agents, representatives, or employees thereof regarding the City of Detroit's bankruptcy. This request includes, but it not limited to, any efforts to enact legislation concerning, or any effort to obtains funds for, the City of Detroit. The request includes documents relating to any such communications with:

- a. The White House;
- b. Any United States executive branch agencies or departments;
- c. The United States Congress;

- d. The Executive Office of the Governor of the State of Michigan;
- e. The State of Michigan Legislature;
- f. The City Council of the City of Detroit; and
- g. The Office of the Mayor of the City of Detroit.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

11. All documents relating to any communications between you (or on your behalf) and the U.S. Trustee regarding the Plan.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that there are no such communications.

12. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding the City of Detroit's future creditworthiness with or without Plan approval.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

13. All documents relating to any common interest agreements between you and any other City of Detroit creditors.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that there are no responsive documents to this request.

14. All documents relating to any joint defense agreements between you and any other City of Detroit creditors.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that there are no responsive documents to this request.

15. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by you or on your behalf regarding debt limits or post-2006 assessments related to Limited Tax General Obligations.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

16. All documents relating to any notifications to any insurance carriers, including but not limited to potential/actual malpractice or breach of fiduciary duty claims since January 1, 2004.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that there are no responsive documents to this request.

17. All documents relating to any communications between you (or on your behalf) and any unions, union members, retiree associations, retiree association members, or retirees related to the City of Detroit bankruptcy or the Plan.

RESPONSE:

The RDPMA objects to this request on the grounds that it seeks documents that are not relevant to and not reasonably calculated to lead to the discovery of admissible evidence and that it seeks information that is protected by and subject to the work-product and/or attorney-client privilege and/or are subject to the confidentiality provisions of the mediation order.

18. All documents created prior to January 1, 2013, referring to any property included in the Detroit Institute of Arts, or the value of any such property in any evaluation of the City of Detroit, the creditworthiness of the City of Detroit, or the ability of the City of Detroit to pay its debts.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA responds that there are no responsive documents to this request.

19. All documents relied upon by any experts you intend to call to testify at the hearing regarding the Plan.

RESPONSE:

The RDPMA objects to this request on the grounds that it is premature and seeks expert materials protected from discovery. Subject to and without waiving any of its objections, the RDPMA responds that no such responsive documents exist.

20. All documents related to any analysis of "unfair discrimination" in the Plan.

RESPONSE:

The RDPMA objects to this request on the grounds that it is premature and seeks expert materials protected from discovery. Subject to and without waiving any of its objections, the RDPMA responds that no such responsive documents exist.

21. All documents related to any communications by you (or on your behalf) with any other creditor or creditor group regarding City of Detroit pensions.

RESPONSE:

The RDPMA objects to this request on the grounds that it seeks documents that are not relevant to and not reasonably calculated to lead to the discovery of admissible evidence and that it seeks information that it protected by and subject to the work-product and/or attorney-client privilege and/or are subject to the confidentiality provisions of the mediation order.

22. All documents related to any calculations of pension claims or individual retiree pensions, including the bases, methodologies, and assumptions underlying those calculations.

RESPONSE:

The RDPMA objects to this request on the grounds that it seeks documents that are protected by the work-product and/or attorney-client privilege and/or are subject to the confidentiality provisions of the mediation order.

23. All documents referred to, reviewed, consulted, or relied on in responding to Debtor's Interrogatories (served herewith) and not otherwise produced in response to these Requests for Production of Documents.

RESPONSE:

Subject to and without waiving any of its objections, the RDPMA has produced all responsive documents; please see documents marked RDPMA0001 – RDPMA00025.

Respectfully Submitted,

STROBL & SHARP, P.C.

/s/ Lynn M. Brimer
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Dated: May 9, 2014

ECF Certificate of Service

I hereby certify that on May 9, 2014, I did electronically file the foregoing document with the Clerk of the Court using the ECF System which will send notification of such filing to all attorneys of record, and I hereby certify that I have mailed the foregoing document to the non-ECF participants via United States Mail.

/s/ Karel J. Van Akin
Karel J. Van Akin